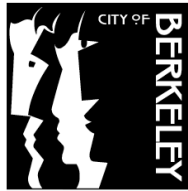


REVISED AGENDA
(ADDED CONTINUED ITEM FROM MAY 22, 2012)



BERKELEY CITY COUNCIL MEETING

TUESDAY, MAY 29, 2012

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN

DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Amending the Massage Therapy Ordinance, BMC Chapter 9.32

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,238–N.S. amending Berkeley Municipal Code (BMC) Chapter 9.32, the Massage Therapy Ordinance.

Financial Implications: None

First Reading Vote: All Ayes

Contact: Zach Cowan, City Attorney, 981-6950

2. Body Art Ordinance, Adding BMC Chapter 11.70

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,239–N.S. adding Berkeley Municipal Code (BMC) Chapter 11.70 to Title 11 of the Environmental Health Code relating to the registration of body art practitioners and mechanical stud and clasp ear piercing facilities and issuance of health permits for temporary and permanent body art facilities.

Financial Implications: See report

First Reading Vote: All Ayes

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Consent Calendar

3. **Follow up: Legislation Related to "Mini-dorms", Amending BMC Section 14.72.080.C**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,240–N.S. amending Berkeley Municipal Code section 14.72.080.C to permit residents of permitted and legal nonconforming sororities, fraternities and student cooperatives to purchase residential preferential parking permits.
Financial Implications: Minimal, if any, impact
First Reading Vote: All Ayes
Contact: Zach Cowan, City Attorney, 981-6950
4. **Assessment: Downtown Property Based Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution:
 1. Approving the Annual Report for the Downtown Property Based Business Improvement District (hereafter "DPBID" or "the District") for Fiscal Year 2012 and proposed budget for 2013;
 2. Declaring an intention to levy annual assessments in the District for Fiscal Year 2013; and
 3. Setting a public hearing on the levy of assessments for July 17, 2012.**Financial Implications:** See report
Contact: Michael Caplan, Economic Development, 981-7530
5. **Assessment: North Shattuck Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution:
 1. Approving the FY 2012 Annual Report of the North Shattuck Business Improvement District (NSBID);
 2. Declaring Council's intention to levy an annual assessment for the NSBID for FY 2013; and
 3. Scheduling a public hearing for July 17, 2012 to consider levying a renewed assessment for FY 2013.**Financial Implications:** See report
Contact: Michael Caplan, Economic Development, 981-7530
6. **Assessment: Telegraph Property and Business Improvement District**
From: City Manager
Recommendation: Adopt a Resolution:
 1. Approving the Annual Report for the Telegraph Property and Business Improvement District (hereafter "TBID" or "the District") for Fiscal Year 2012 and proposed budget for 2013;
 2. Declaring an intention to levy annual assessments in the District for Fiscal Year 2013; and
 3. Setting a public hearing on the levy of assessments for July 17, 2012.**Financial Implications:** See report
Contact: Michael Caplan, Economic Development, 981-7530

Consent Calendar

7. **Assessment: Elmwood Theater Business Improvement Area for FY 2012 and Renewal of Assessments for FY 2013**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution:
1. Approving the Annual Assessment Report for the Elmwood Theater Business Improvement Area for Fiscal Year 2012;
2. Declaring an intention to levy annual assessments in the Improvement Area for Fiscal Year 2013; and
3. Setting a public hearing on the levy of assessments for July 17, 2012.
Financial Implications: See report
Contact: Dave Fogarty, Commission Secretary, 981-7534
8. **Contract No. 8187 Amendment: Bank Up Corporation for the Acceptance and Processing of Refuse Remittance Payments**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment in the amount of \$42,000 with Bank Up Corporation for the acceptance and processing of refuse payments, for a revised total contract amount not to exceed \$92,000 and extending the term through November 30, 2013.
Financial Implications: Refuse Collection Disposal - \$42,000
Contact: Robert Hicks, Finance, 981-7300
9. **California Mental Health Services Authority and Joint Exercise of Powers Agreement**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the documents necessary to join the California Mental Health Service Authority (CalMHSA), including the Joint Exercise of Powers Agreement (as amended in 2010) that governs operations of the CalMHSA, in order to jointly develop, fund and administer mental health service and education programs as determined on a regional, statewide or other basis; and authorizing the Manager of Mental Health to act as the City's representative on the CalMHSA Board of Directors.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400
10. **Contract No. 8905 Amendment: Management Partners, Inc. for Financial and Organizational Assessment Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8905 with Management Partners, Inc. for a new total amount not to exceed \$45,000 to provide management and technical consulting assistance on revenue generation and operational practices of the Mental Health Division of the HHCS Department for the period of January 16, 2012 through June 30, 2013.
Financial Implications: Various Funds - \$35,000
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Consent Calendar

11. **Grant: Measure B Paratransit Revenue**

From: City Manager

Recommendation: Adopt a Resolution:

1. Approving the Measure B Program Plan for paratransit services; and
2. Authorizing the City Manager to receive funds and execute any agreements and amendments with the Alameda County Transportation Commission (Alameda CTC) for the renewal of Measure B annual pass-through funds estimated to be in the amount of \$224,007 for use during FY 2013.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

12. **Shelter Plus Care Program Renewal Grants**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to receive funds and execute any agreements and amendments resulting from the U.S. Department of Housing and Urban Development renewal of the following four Shelter Plus Care grants:

1. \$1,964,016 for tenant-based rental assistance for the period May 24, 2012 through May 23, 2013;
2. \$127,344 for sponsor-based rental assistance for the Supportive Housing Network for the period of May 28, 2012 through May 27, 2013, with Resources for Community Development as the project sponsor;
3. \$123,900 for sponsor-based rental assistance for the Pathways Project for the period June 1, 2012 through May 31, 2013, with Bonita House, Inc. as the project sponsor; and
4. \$457,908 in tenant-based rental assistance for the COACH Project grant for the period of December 14, 2012 through December 13, 2013.

Financial Implications: See report

Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

13. **Final Map of Tract 8011: 2628-2630 Benvenue Avenue**

From: City Manager

Recommendation: Adopt a Resolution approving the final map of Tract Map 8011, a five (5) unit residential condominium located at 2628-2630 Benvenue Avenue.

Financial Implications: None

Contact: Eric Angstadt, Planning and Development, 981-7400

14. **Contract No. 6475C Amendment: City CarShare for the Fleet Carsharing Program**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 6475C with City CarShare to extend the term 1 year through June 30, 2013 and increase the amount by \$102,350 for an amended total not to exceed \$902,850.

Financial Implications: Equipment Replacement Fund- \$102,350

Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

15. **Contract: Andes Construction, Inc. for Sanitary Sewer Rehabilitation Project on Ashby Avenue (State Highway 13) from 5th Street to Adeline Street**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Sanitary Sewer Project, 12-10613-C-PART A, located on Ashby Avenue (State Highway 13) from 5th Street to Adeline Street; and
 2. Accepting the bid of the lowest responsive and responsible bidder, Andes Construction, Inc.; and
 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$1,046,408 for the period of 150 calendar days from the date of the execution of the contract.
- Financial Implications:** Sanitary Sewer Operation - \$1,046,408
Contact: Andrew Clough, Public Works, 981-6300
16. **Contract: California Trenchless, Inc. for Sanitary Sewer Rehabilitation Project on Ashby Avenue (State Highway 13) from 9th Street to Sacramento Street**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Sanitary Sewer Project, 12-10613-C-PART B, located on Ashby Avenue (State Highway 13) from 9th Street to Sacramento Street; and
 2. Accepting the bid of the lowest responsive and responsible bidder, California Trenchless, Inc.; and
 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$1,134,247 for the period of 150 calendar days from the date of the execution of the contract.
- Financial Implications:** Sanitary Sewer Operation - \$1,134,247
Contact: Andrew Clough, Public Works, 981-6300
17. **Contract: Redgwick Construction Company for the West Street Pathway Project, Virginia Street to Ohlone Greenway**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the West Street Pathway Project, Virginia Street to Ohlone Greenway, Specification No. 12-10676-C;
 2. Accepting the bid of Redgwick Construction Company, the lowest responsive and responsible bidder; and
 3. Authorizing the execution of a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, in an amount not to exceed \$333,476 for the period of 120 calendar days from the date of the execution of the contract.
- Financial Implications:** Measure B Local Street and Road Fund - \$333,476
Contact: Andrew Clough, Public Works, 981-6300

Consent Calendar

18. **Contracts: On-Call Survey Services**

From: City Manager

Recommendation: Adopt four Resolutions authorizing the City Manager to execute contracts and any amendments, extensions or other change orders, to provide on-call survey services for various Public Works projects and requests from other departments for a period of three years for a total amount not to exceed \$1,000,000 with:

1. Logan Surveying in an amount not to exceed \$250,000;
2. Cunha Engineering, Inc. in an amount not to exceed \$250,000;
3. Moran Engineering, Inc. in an amount not to exceed \$250,000; and
4. Paul O. Webb - Licensed Surveyor in an amount not to exceed \$250,000.

Financial Implications: Various Funds - \$1,000,000

Contact: Andrew Clough, Public Works, 981-6300

19. ****Removed from the Agenda per City Manager** Increase Blanket Purchase Order No. 87032: TEC of California, Inc. for FY 2012**

Contact: Andrew Clough, Public Works, 981-6300

20. ****Removed from the Agenda per City Manager** Repeal and Reenact Berkeley Municipal Code Chapter 12.34 Semi Automated Curbside Refuse Collection**

Contact: Andrew Clough, Public Works, 981-6300

21. **Business License Taxes: Providing Better Guidance and Customer Service Will Increase Revenues**

From: City Auditor

Recommendation: Request the City Manager report back by November 30, 2012, and every six months thereafter, regarding the status of recommendations until reported fully implemented.

Financial Implications: See report

Contact: Ann-Marie Hogan, Auditor, 981-6750

Council Consent Items

22. **Support of SB 843**

From: Mayor Tom Bates

Recommendation: Adopt a Resolution supporting SB 843, The Community-Based Renewable Energy Self-Generation Act, and send a copy to Governor Brown, Senator Loni Hancock and Assembly member Nancy Skinner.

Financial Implications: Minimal

Contact: Tom Bates, Mayor, 981-7100

Council Consent Items

23. **Appointment of City Manager**
From: Mayor Tom Bates
Recommendation: Adopt a Resolution confirming the appointment of Christine Daniel to be City Manager effective on May 30, 2012.
Financial Implications: See report
Contact: Tom Bates, Mayor, 981-7100
24. **Support of Full Access to Comprehensive Reproductive Health Care Services**
From: Councilmembers Maio and Wengraf
Recommendation: Adopt a Resolution supporting full access to comprehensive reproductive health care services and calls on our elected representatives at the County, State, and Federal levels to support at their respective levels as well.
Financial Implications: None
Contact: Linda Maio, Councilmember, District 1, 981-7110
25. **FY 2013 Budget Referral for the Berkeley Arts Center**
From: Councilmembers Moore and Capitelli
Recommendation: Refer \$19,656 for the Berkeley Arts Center to the FY 2013 budget process.
Financial Implications: See report
Contact: Darryl Moore, Councilmember, District 2, 981-7120
26. **FY 2013 Budget Referral for J-Sei, BOCA Community Partnership Program and BYA Park Youth Employment**
From: Councilmembers Moore, Anderson, and Arreguin
Recommendation: Refer the following to the FY 2013 budget process: \$9,828 for J-Sei, \$9,828 for Berkeley Organizing Congregations for Action (BOCA) Community Partnership Program and \$29,484 for Berkeley Youth Alternatives (BYA) Park Youth Employment.
Financial Implications: See report
Contact: Darryl Moore, Councilmember, District 2, 981-7120
27. **Support Senate Bill 1434 Relating to Warrantless Cell Phone Tracking**
From: Councilmember Arreguin
Recommendation: Adopt a Resolution supporting Senate Bill (SB) 1434 by Senator Mark Leno that protects against warrantless government searches of a person's whereabouts and movements based on information received from an electronic device such as a cell phone.
Financial Implications: Unknown
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140
28. **Support AB 1990 "Solar for All"**
From: Councilmember Worthington
Recommendation: Support AB 1990 the "Solar for All" bill and send a letter to Assemblymembers Nancy Skinner and Paul Fong.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Council Consent Items

29. **Support a Proclamation to Honor June as Lesbian Gay Bisexual Transgender and Questioning Pride Month and Authorize the City Manager to Fly the Rainbow Flag for the Month of June**
From: Councilmembers Worthington, Anderson, Arreguin and Moore
Recommendation: Adopt a proclamation to honor June as Lesbian Gay Bisexual Transgender and Questioning Pride Month in the City of Berkeley and authorize City Manager to fly the rainbow flag for all of June.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
30. **Support Assembly Constitutional Amendment 18 (First Responders Initiative)**
From: Councilmember Worthington
Recommendation: Support Assembly Constitutional Amendment 18 (First Responders Initiative) to allow California's municipalities to fund maintenance and improvements of fire and police services with only a majority vote.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
31. **Support the Los Angeles Residential Noise Relief Act of 2011 (S. 2019) Restricting Helicopter Flights over Residential Neighborhoods**
From: Councilmember Worthington
Recommendation: Support Los Angeles Residential Noise Relief Act of 2011 (S. 2019) and send letters to Senators Dianne Feinstein and Barbara Boxer.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170
32. **Berkeley Student Cooperative: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Wozniak
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including \$1,000 from Councilmember Wozniak to the Berkeley Student Cooperative to support the "Bear-ly Used" student furniture reuse, move-out program, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Wozniak and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Fund - \$1,000
Contact: Gordon Wozniak, Councilmember, District 8, 981-7180

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action Calendar - Appeals

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment.

33. **ZAB Appeal: 740 Heinz Avenue - Use Permit No. 11-70000020**

From: City Manager

Recommendation: Adopt a Resolution affirming the decision of the Zoning Adjustments Board (ZAB) to approve Use Permit No. 11-70000020 to modify Use Permit No. 09-10000104, to enlarge the building footprint to create a new entrance lobby at the southwest corner of the building, expand the 3rd and 4th floors, delete the 49-car basement parking garage, and revise building elevations, subject to conditions of approval requiring step backs for upper floors to distinguish the historic walls.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action Calendar – Public Hearing

Staff shall introduce the public hearing item and present their comments. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

34. **Fiscal Year 2013 Proposed Budget Update Hearing #2**

From: City Manager

Recommendation: Conduct a Public Hearing regarding the FY 2013 Proposed Budget Update.

Financial Implications: See report

Contact: Teresa Berkeley-Simmons, Budget Manager, 981-7000

Action Calendar – Continued Business

A. **Redistricting Charter Amendment Ballot Measure** *(Continued from May 22, 2012)*

From: City Manager

Recommendation: Discuss the attached draft ballot measure concerning redistricting and provide staff direction.

Financial Implications: See report

Contact: Zach Cowan, City Attorney, 981-6950

Action Calendar – Old Business

35. **Contribution Limits on Contractors doing Business with the City** *(Continued from May 15, 2012)*
From: Councilmember Arreguín
Recommendation: Refer to the Fair Campaign Practices Commission (FCPC) for consideration the issue of prohibiting contributions by contractors doing business with the City and the Berkeley Unified School District.
Financial Implications: Unknown
Contact: Jesse Arreguín, Councilmember, District 4, 981-7140
36. **Five-Minute Grace Period at Pay-and-Display Parking Meters** *(Continued from May 15, 2012)*
From: Councilmember Capitelli
Recommendation: Adopt a Resolution establishing a five-minute grace period for vehicles where a valid receipt from a pay-and-display meter is appropriately displayed.
Financial Implications: Unknown
Contact: Laurie Capitelli, Councilmember, District 5, 981-7150
37. **Contract: Redgwick Construction Company for Berkeley Bay Trail Extension—Phase One** *(Continued from May 15, 2012)*
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving the plans and specifications for the Berkeley Bay Trail Extension—Phase One project (Bid Specification No. 12-10648-C);
 2. Deeming that the Bid received from Team Ghilotti, Inc. is non-responsive and is rejected;
 3. Deeming that the Bid received from Valentine Corporation is non-responsive and is rejected;
 4. Awarding the construction contract to the lowest responsive, responsible bidder, (Redgwick Construction Company), for the amount of their Bid (\$1,480,512.50) (Caltrans Project No. RP STPL 5057 (038);
 5. Authorizing the City Manager and his/her designee to execute a construction contract with Redgwick Construction Company in the amount of their bid, and to execute change orders, amendments and/or time extensions;
 6. Authorizing a 15% construction contingency for an amount not to exceed \$222,077, for a total spending authority not-to-exceed \$1,702,589.
- Financial Implications:** Various Funds - \$1,702,589
Contact: Scott Ferris, Parks, Recreation and Waterfront, 981-6700
38. **Initiative Petition - Sunshine Ordinance** *(Continued from May 15, 2012)*
From: City Manager
Recommendation:
1. Adopt a Resolution submitting the Sunshine Ordinance, without alteration, to a vote of the People at the November 6, 2012 General Municipal Election.
 2. Determine whether to designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.
- Financial Implications:** See report
Contact: Mark Numainville, Acting City Clerk, 981-6900

Action Calendar – Old Business

39. **City Manager's Report of Projections of Future City Liabilities** *(Continued from May 15, 2012)*

From: Councilmembers Capitelli, Wengraf, Wozniak and Moore

Recommendation: Adopt a Resolution requiring the City Manager to develop and publish a biennial report of current City liabilities and projections of future liabilities designed to aid City staff, Council and the public in the preparation of the City's budget. The report shall be published initially in February, 2013 and subsequently in February of the second year of the City's biennial budget.

Financial Implications: Staff time

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action Calendar – New Business

40. **Revoking Use Permit A1931 and Declaring 1722 9th Street a Public Nuisance** **From: City Manager**

Recommendation: Adopt a Resolution reflecting the City Council's May 15, 2012 action determining that 1722 9th Street is:

1. In violation of Use Permit A1931 under BMC Chapter 23B.60, and ordered that Use Permit A1931 be revoked; and
2. A public nuisance under BMC Chapter 23B.64 and imposed conditions to abate the nuisance.

Financial Implications: None

Contact: Eric Angstadt, Planning and Development, 981-7400

41. **Alameda County Transportation Expenditure Plan**

a. From: Transportation Commission

Recommendation: Review and consider the Commission's findings regarding the Alameda County Transportation Expenditure Plan.

Financial Implications: None

Contact: Farid Javandel, Commission Secretary, 981-7010

b. From: City Manager

Recommendation: Hear presentation from Alameda County Transportation Commission and consider whether to adopt a Resolution endorsing the Alameda County 2012 Transportation Expenditure Plan (TEP) and requesting that the Alameda County Board of Supervisors place TEP on the November 6, 2012 ballot.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

c. From: Councilmember Worthington

Recommendation: Support and endorse the Alameda County 2012 Transportation Expenditure Plan (TEP), also known as Measure B reauthorization.

Financial Implications: See report

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar – New Business

42. Presentation and Discussion of Second Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development

From: City Manager

Recommendation: Discuss results of the second community survey and provide direction to the City Manager about the drafting of possible revenue measures for inclusion on the November 2012 ballot.

Financial Implications: None

Contact: William Rogers, City Manager's Office, 981-7000

43. Possible Commission Consolidations

a. Opposition to Consolidation of Homeless Commission with Human Welfare and Community Action Commission

From: Homeless Commission

Recommendation: Take no action to consolidate the Homeless Commission with the Human Welfare and Community Action Commission (HWCAC).

Financial Implications: Minimal, if any

Contact: Drew King, Commission Secretary, 981-5410

b. Letter from the Human Welfare and Community Action Commission regarding Commission Consolidation

From: Human Welfare and Community Action Commission

Contact: Drew King, Commission Secretary, 981-5410

c. Consolidation of Transportation and Public Works Commissions

From: Public Works Commission

Recommendation: Take no action to consolidate the Transportation Commission with the Public Works Commission.

Financial Implications: None

Contact: Jeffrey Egeberg, Commission Secretary, 981-6406

d. Consolidation of Transportation and Public Works Commissions

From: Transportation Commission

Recommendation: Review and consider the Transportation Commission's opposition to the proposed merger of the Transportation Commission with the Public Works Commission.

Financial Implications: No significant fiscal impact

Contact: Farid Javandel, Commission Secretary, 981-7061

e. Letter from the Parks and Recreation Commission regarding Commission Consolidation

From: Parks and Recreation Commission

Contact: Roger Miller, Commission Secretary, 981-6343

f. Letter from the Waterfront Commission regarding Commission Consolidation

From: Waterfront Commission

Contact: John Mann, Commission Secretary, 981-6737

Action Calendar – New Business

g. Possible Commission Consolidations

From: City Manager

Recommendation: Direct the Interim City Manager to:

1. Bring back legislation to consolidate the following City commissions:
 - a. Public Works Commission and Transportation Commission
 - b. Human Welfare and Community Action Commission and Homeless Commission
2. Create two new commissions by consolidating the Parks and Recreation Commission, Waterfront Commission, and Commission on Early Childhood Education into two separate commissions, one for capital needs and one for recreation/youth programs; and
3. Provide direction to the City Manager on whether to reduce the membership on commissions that exceed the number of members provided for in the Fair Representation Ordinance.

Financial Implications: See report

Contact: William Rogers, City Manager's Office, 981-7000

44. Banking Service Request for Proposal

a. From: Human Welfare and Community Action Commission

Recommendation: Adopt a Resolution directing the Finance Department, as part of the Responsible Banking Policy, to collect a social impact report from all financial institutions that provide or wish to provide banking and/or investment management services to the City of Berkeley.

Financial Implications: See report

Contact: Drew King, Commission Secretary, 981-5410

b. From: City Manager

Recommendation:

1. Discuss and give direction to the City Manager on the banking services RFP, including but not limited to allowing participation of Community Banks, membership-based Credit Unions or Community Development Financial Institutions (CDFI) in the RFP process for the City's banking services.
2. Adopt a Resolution approving the Banking Services RFP for release that includes Community Investment and Responsible banking language and selection criteria.

Financial Implications: Various Funds - \$1,350,000

Contact: Robert Hicks, Finance, 981-7300

45. a. Service Animals Welcome in Berkeley: Ordinance and Program

From: Community Health Commission

Recommendation: The Community Health Commission (CHC) affirms its continuing support of Service Animals Welcome in Berkeley Ordinance and Program and forwards the attached CHC resolution to City Council.

Financial Implications: Staff time

Contact: Tasha Tervalon, Commission Secretary, 981-5347

Action Calendar – New Business

b. Service Animals in Berkeley: Resolution and Program

From: City Manager

Recommendation:

Recommendation:

1. Adopt a Resolution welcoming service animals in Berkeley and affirming the City's support for compliance with existing laws relating to service animals.
2. Direct the City Manager to:
 - a. Incorporate educational materials in the Business License Tax process to inform business owners of their responsibilities regarding service animals;
 - b. Include content about service animals and the responsibilities of Berkeley Businesses on the City's website; also include the phone number for the Disability Services Specialist;
 - c. Provide signs for businesses to voluntarily put in their windows regarding service animals; and
 - d. Work with Business Improvement Districts and Commercial District Organizations to provide opportunities for businesses to learn about their responsibilities regarding service animals in their places of business.

Financial Implications: See report

Contact: William Rogers, City Manager's Office, 981-7000

46. Decommission California Nuclear Power Plants and Transition to Green Non-Nuclear Power Generation Sources

From: Peace and Justice Commission

Recommendation: Adopt a Resolution:

1. Petitioning Governor Brown to direct the California Public Utilities Commission (PUC) to decommission Diablo Canyon and San Onofre nuclear power plants and to initiate renewable power generation;
2. Calling upon Governor Brown to exercise his powers to direct the PUC to call for replacing aging reactors with clean and renewable energy generation by the end of the current licenses of California's nuclear power plants at Diablo Canyon and at San Onofre;
3. Urging President Barack Obama and the Nuclear Regulatory Commission to reverse their support of nuclear power, stop loan guarantees to the nuclear energy industry, shut down nuclear facilities operating in seismically active areas of the U.S., establish a moratorium on building new nuclear reactors and investing in clean, renewable energy, and
4. Insisting that the Nuclear Regulatory Commission withhold license renewal for Diablo Canyon and San Onofre Nuclear Power plants until seismic issues and offsite permanent storage are resolved.

Financial Implications: None

Contact: Eric Brenman, Commission Secretary, 510-981-5114

Information Reports

47. Status Report: Police Staffing Audit

From: City Manager

Contact: Michael Meehan, Police, 981-5900

Information Reports

48. **ABAG: Spring General Assembly Report on Regional Bodies Participation**
From: Councilmember Wengraf
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
49. **Report on Regional Bodies Participation-Oakland Airport-Community Noise Management Forum**
From: Councilmember Worthington
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33), via internet accessible video stream at <http://www.ci.berkeley.ca.us/video> and KPFB Radio 89.3.

Archived indexed video streams are available at <http://www.ci.berkeley.ca.us/citycouncil>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at <http://www.cityofberkeley.info>.

Agendas and agenda reports may be accessed via the Internet at <http://www.ci.berkeley.ca.us/citycouncil> and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@ci.berkeley.ca.us

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue

North Branch – 1170 The Alameda

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.


~~~~~  
*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 24, 2012.*



Mark Numainville, Acting City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### **Item 22: Support of SB 843**

1. Joe Krovoza

### **Environmental Suggestion**

2. Chris La Combe

### **1700 Dwight Way & 2507-09 McGee Ave**

3. Rash Ghosh

### **Acheson Commons**

4. John Caner, on behalf of the Downtown Berkeley Association

### **North Branch Library**

5. Maris Arnold

## **Supplemental Communications and Reports 1**

### **Item 41: Alameda County Transportation Expenditure Plan**

6. Dave Campbell